

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.975 of 2015

Arising Out of PS.Case No. -190 Year- 2013 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Anu Devi Wife of Raju Thakur
2. Raju Thakur (Mukhiya) @ Raju Kumar Thakur Son of Late Awadh Narayan Thakur, both Resident of Village - Tejpurwa, P.S. - Malahi, Distt. - East Champaran at Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 12-01-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending his arrest in a case registered under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

Considering that the Petitioner No.1 is a lady, without going into the veracity of the allegations, let the petitioner No.1 above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Paharpur (Malahi) P.S. case No.190 of 2013 on furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of Sri R.K. Rajak, Judicial



Magistrate, 1st class, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if she is she shall not be released on bail, (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) That the petitioner will give an undertaking that she will receive the police papers on the given date and be present on date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse, (v) That the petitioner will be well represented on each date if she fails to do so on two consecutive dates, her bail will be liable to be cancelled.

As for Petitioner No.2, considering the nature of relationship between the parties and his undertaking that he would



be more responsible in future, let the petitioner No.2 above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Paharpur (Malahi) P.S. case No.190 of 2013 on furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of Sri R.K. Rajak, Judicial Magistrate, 1st class, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in address of the petitioner. (ii) That the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for

reasons of misuse, (iv) That the petitioner will be well represented on each date if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Anjana Prakash, J)

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